UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA EVANSVILLE DIVISION

| SAMANTHA SNUKIS, JR. and SAMANTHA SNUKIS, Co-Administrators of the Estate of Edward C. Snukis, Plaintiffs, |)))) |
|---|----------------------------------|
| v. |) CASE NO. 3:21-cv-00135-MPB-MJD |
| CITY OF EVANSVILLE, INDIANA; MATTHEW O. TAYLOR, in his individual capacity as an Evansville police officer; TREVOR KOONTZ, in his individual capacity as an Evansville police officer; and NICHOLAS HACKWORTH, in his individual capacity as an Evansville police officer, |)))))))))))) |
| Defendants. |) |

PLAINTIFFS' FINAL WITNESS AND EXHIBIT LISTS

Plaintiffs, Edward C. Snukis, Jr. and Samantha Snukis, Co-Administrators of the Estate of Edward C. Snukis, by counsel, pursuant to this Court's Order [Dkt.163], hereby submit their final witness and exhibit lists:

Witnesses

- 1. Edward C. Snukis, Jr., son of the decedent, will testify regarding his father's life; relationship with his father, and the impact of his death on him and his family.
- 2. Samantha Snukis, daughter of the decedent, will testify regarding her father's life; relationship with her father, and the impact of his death on her and her family.
- 3. Sierra Snukis, daughter of the decedent, will testify regarding her father's life; relationship with her father, and the impact of his death on her and her family.
 - 4. Matthew Taylor, EPD police officer, events on September 13, 2019;

- 5. Trevor Koontz, former EPD police officer, events on September 13, 2019;
- 6. Nicholas Hackworth, EPD police officer, events on September 13, 2019;
- 7. John McQuay, EPD police officer, events on September 13, 2019;
- 8. Sgt. Brown, EPD police officer, events on September 13, 2019. Evansville

 Police Department officer David Brown has knowledge of the information leading
 to the claims alleged in Plaintiffs' Complaint;
- 9. J. Holden, EPD police officer, events on September 13, 2019;
- 10. D.H. Vonderscher, EPD police officer, events on September 13, 2019;
- Jason Cullum, former EPD police officer, reporting of events on September 13,2019;
 - 12. Stephen Wynn Lockyear, Vanderburgh County Coroner, autopsy of the decedent;
 - 13. Christopher J. Kiefer, MD, performed the autopsy of the decedent;
 - 14. Tammy Bowles, assisted with the autopsy;
 - 15. Dave Anson, Vanderburgh County Coroner employee present during the autopsy;
 - 16. Doug Hamner, EPD police officer present during the autopsy;
 - 17. Vernon Lutz, EPD police officer present during the autopsy;
- 18. Aaron Kennedy, EPD police officer present during the autopsy; investigation of the wrongful death of decedent;
 - 19. J. Lewis, EPD police officer, investigation of the wrongful death of the decedent;
- 20. Unknown employees of the Evansville Police Department, present during the events on September 13, 2019;
- 22. Unknown employees of the Evansville Fire Department, present during the events on September 13, 2019;

- 23. Cyril Jeffrey Fraker, 933 Stanley Avenue, Evansville, IN 47711-3445, D-Patrick Honda employee, witness to events on September 13, 2019;
- 24. Derrick Spencer Norton, 401 Lant Lane, Evansville, IN 47715-347, D-Patrick Honda employee, witness to events on September 13, 2019;
- 25. Matt Madden, D-Patrick Honda employee, witness to events on September 13, 2019;
- 26. Devon Holly, D-Patrick Honda employee, witness to events on September 13, 2019;
- 27. Dennis Smiley, D-Patrick Honda employee, witness to events on September 13, 2019;
- 28. Kylena Page, D-Patrick Honda employee, witness to events on September 13, 2019;
- 29. Brentlee Spurlock, 6819 Clift Wood Drive, Evansville, IN 47712, witness to the events on September 13, 2019;
- 30. Stephanie Dawn Spurlock, 6819 Clift Wood Drive, Evansville, IN 47712, witness to the events on September 13, 2019;
- 31. Chrisney Johnson, aka Chrisney McGowan, Premier Trucking security guard, witness to the events on September 13, 2019;
- 32. Evansville Police Department Detective K. Campbell, events on September 13, 2019;
- 33. Evansville Police Department Sergeant Kevin Day, events on September 13,2019;
 - 34. Evansville Police Department Officer Gorman, events on September 13, 2019;

- 35. Evansville Police Department Officer Toney, events on September 13, 2019;
- 36. Evansville Police Department Officer K. Montgomery, events on September 13,

2019;

- 37. Evansville Police Department Detective Evans, events on September 13, 2019;
- 38. Evansville Police Department Officer Anthony Aussieker, events on September 13, 2019;
- 39. Evansville Police Department Detective Aaron McCormick, events on September 13, 2019;
 - 40. Evansville Police Department Officer Wheeler, events on September 13, 2019;
 - 41. Evansville Police Department Officer T. Lincoln, events on September 13, 2019;
- 42. Evansville Police Department Detective Chris Jones, events on September 13, 2019;
 - 43. Amanda Riordan, events on September 13, 2019;
 - 44. Devon Holley, events on September 13, 2019;
- 45. Jason Gee (last known to be an employee of D-Patrick), events on September 13, 2019;
- 46. Justin Robinson (last known to be an employee of D-Patrick), events on September 13, 2019;
 - 47. Evansville Police Department Deputy Chief Scott Doan;
 - 48. Evansville Police Department Detective Aaron McCormick;
 - 49. Cyril H. Wecht, M.D., J.D, as to his expert report;
 - 50. Stan V. Smith, Ph.D, as to his expert report;
 - 51. Robert R. Pusins, as to his expert report;

- 52. Matthew C. Sophy, DO
- 53. All parties and representatives of parties to this action;
- 54. Such other persons as discovery and/or investigation may reveal;
- 55. Any person listed as a witness by or on behalf of any other party to this action;
- 56. Any person present at trial of this matter at the request of another party to this action;
 - 57. Custodians of records solely for the purpose of authentication of those records;
 - 58. Persons identified in discovery including depositions;
- 59. All persons whose identity and relevant knowledge at this time is unknown but may be discovered between now and the trial of this matter;
 - 60. Any witness listed by Defendants;
- 61. Any and all witnesses disclosed or identified by any party to this litigation or during the course of discovery;
 - 62. Any person listed on Plaintiff's or Defendants' Initial Disclosures;.
 - 63. All persons deposed in this matter;
 - 64. Any witness necessary for chain of custody purposes;
 - 65. Any witness necessary for rebuttal or impeachment purposes;
 - 66. Any witness necessary to adduce or refute the authenticity of any documents; and
 - 67. Any relevant witness yet to be discovered through the course of discovery.

Because trial preparation is ongoing, Plaintiffs reserve the right to deviate from the foregoing list of individuals and to call named individuals not listed above for the purpose of impeachment, rebuttal or surrebuttal.

Exhibits

1. Photographs of the decedent and his family;

- 2. Autopsy report and photographs of the decedent obtained from the Vanderburgh County Coroner's office;
- 3. Documents, electronically stored information, and tangible things obtained from counsel for the Evansville Police Department on October 8, 2020, and April 12, 2021;
- 4. Documents, electronically stored information, and tangible things obtained from Evansville/Vanderburgh Central Dispatch;
 - 5. Documents obtained from counsel for the Evansville Fire Department;
 - 6. Documents obtained from American Medical Response Indiana;
 - 7. Documents obtained from Ascension St. Vincent Evansville;
 - 8. Video recording of City press conference, September 16, 2019;
 - 9. Report of Cyril H. Wecht, M.D., J.D. dated April 5, 2023;
 - 10. Addendum to Report of Cyril H. Wecht, M.D., J.D. dated July 17, 2023;
 - 11. Report of Stan V. Smith, Ph.D;
- 12. Report of Robert R. Pusins dated August 25, 2022, including the following materials reviewed by Mr. Pusins:

Complaint (21 pages)

EPD Incident/Investigation Report, 19-20309 (21 pages)

EPD Use of Force Report (8 pages)

EPD Incident/Investigation Report, 19-20310 (112 pages)

EPD Incident/Investigations Report, 19-20314 (3 pages)

Evansville/Vanderburgh Central Dispatch Event Report, 2019-206441, 206449 & 206474 (6 pages)

Audio recording of 911 call to EPD (1:39)

Video footage from Taylor's Body Worn Camera (BWC) (14:21)

Video footage from Koontz's BWC (14:45)

Video footage from Hackworth's BWC (33:02)

Video footage from Hackworth's vehicle dash cam (33:02)

Recording of Garrity Statement by Koontz (11:59)

Document labeled "Chain of Custody, created on 9/13/19 at 7:52:56 by Nicholas Hackworth" (5 pages)

Document labeled "Chain of Custody, created on 9/13/19 at 7:54:07 by Nicholas

Hackworth" (7 pages)

EPD's Merit System, Chapter 2.175 (16 pages)

Rules, Regulations, and Procedures of the Police Department of the City of

Evansville, Indiana, November 1977 (76 pages)

Taylor's Use of Force Report (8 pages)

EPD CAD (Computer Aided Dispatch) Report (4 pages)

AMR Patient Care Report, Case #, 7711417, DOS: 09/13/2019 (17 pages)

Ascension Medical Records (36 pages)

EPD Training Jacket for Trevor Koontz (343 pages)

EPD Training History Report for Trevor Koontz (1 page)

EPD Training History Report for Matthew Taylor (18 pages)

EPD Daily Observation Reports for Matthew Taylor (320 pages)

EPD Use of Force Analysis Reports (2016 -2020)

Postmortem Report of Edward Snukis, Case # VA-19-072 (14 pages)

March 3, 2020, report of Cyril W. Wecht & Pathology Associates, Inc. (16 pages)

Indiana State Department of Health Death Certificate of Edward Snukis (1 page)

Autopsy Photographs (89 photographs)

Photographs of Koontz, Taylor and Hackworth (24 photographs)

Photographs of Scene (36 photographs)

Photographs of Snukis (24 photographs)

Photographs of Black Vehicle Bearing PA tag of YZP 5038 (12 photographs)

Photographs of Black Vehicle Bearing PA tag of YZP 5038, including seven

photographs of items and one photograph of a page marked Search Warrant (23 photographs)

Video recording of statement of Trevor Koontz (2:23)

Video recording of Garrity Statement of Trevor Koontz (11:59)

Audio recording of Garrity Statement of Matthew Taylor (20:02)

Audio recording of interview of Amanda Riordan (5:28)

Video and audio recording of interview of Brentlee Spurlock (9:26)

Video and audio recording of interview of Christy McGowan (17:23)

Video and audio recording of interview of Cyril Fraker (11:48)

Video and audio recording of interview of Dennis Smiley (10:08)

Video and audio recording of interview of Derrick Norton (6:30)

Video and audio recording of interview of Devon Holly (6:10)

Audio recording of telephone interview of Heidi Cook (14:04)

Audio recording of telephone interview of Heidi Cook #2 (56:16)

Video and audio recording of interview of Jason Gee (7:10)

Video and audio recording of interview of Justin Robinson (5:07)

Video and audio recording of interview of Kylena Page (3:41)

Audio recording of interview of Stephanie Spurlock (27.29)

August 12, 2019, letter to Snukis from Kaitlyn Clarkson, Esq. (7 pages)

Video footage with voiceover, labeled IMG 03601.3gp (0:41 seconds)

Audio Recording of a Voice Mail Message by Officer Taylor, labeled 227.m4a (0:21 seconds)

Notice of FRCP 30(b)(6) deposition of City of Evansville (5 pages)

Defendant's Initial Disclosures (7 pages)

Plaintiff's FRCP Rule 26(a)(1) Initial Disclosures (6 pages)

Transcript of February 21, 2022, deposition of Matthew Taylor, with Exhibits (169 pages)

Transcript of April 18, 2022 deposition of Nicholas Alan Hackworth (223 pages)

Defendant's Motion to Dismiss Counts I-IX, County XI, and Relief Sought (3 pages)

Defendant's Brief in Support of Motion to Dismiss Counts I-IX, County XI, and Relief Sought (17 pages)

Plaintiff's Response to Defendant's Motion to Dismiss (12 pages)

Defendant's Reply in Support of Motion to Dismiss Counts I-IX, County XI, and Relief Sought (9 pages)

Plaintiff's Preliminary Witness and Exhibit List (7 pages)

Defendant's Preliminary Witness List (4 pages)

Plaintiff's Answers to defendant, City of Evansville, Indiana's First Set of Interrogatories (30 pages)

Plaintiff's Answers to Defendant, Matthew O. Taylor's First Set of Interrogatories (20 pages)

Plaintiff's Answers to Defendant, Nicholas Hackworth's First Set of Interrogatories (14 pages)

Plaintiff's Answers to Defendant, Trevor Koontz's First Set of Interrogatories (19 pages)

Plaintiff's Answers to Defendant, Nicholas Hackworth's First Set of Requests for Production (7 pages)

Plaintiff's Answers to Defendant, Trevor Koontz's First Set of Requests for Production (6 pages)

Plaintiff's Answers to Defendant, Matthew O. Taylor's First Set of Requests for Production (7 pages)

EPD's 2020 Use of Force Analysis Report (8 pages)

EPD Operational Guideline (OG) Number: 11-O-14, Handling, Transporting and Booking Prisoners, Effective: 08-01-05; Reviewed: 08-06-12 (7 pages)

EPD OG Number: 00-O-57, Handling the Street Drunk, Effective: 09-14-00; Reviewed:08-08-12 (2 pages)

EPD OG Number: 99-O-6; Stop and Frisk, Effective: 01-21-99; Reviewed: 07-31-12 (2 pages)

EPD OG Number: Arrests, Effective: 05-01-09; Reviewed: 06-08-18 (8 pages)

EPD OG: 99-0-53: Preliminary Investigations, Effective: 08-13-99; Reviewed: 08-02-2012 (3 pages)

EPD OG: 19-O-13; Use of Force, Effective: 05-19-06; Reviewed: 03-06-19 (20 pages)

EPD OG Number: 14-O-28; Protecting the Crime Scene, Effective: 01-19-99; Reviewed: 10-02-14 (3 pages)

EPD OG: Number 15-O-07; Responding to "Citizen Needs Assistance" Calls, Effective: 04-15-98; Reviewed: 07-23-15 (3 pages)

EPD OG Number: 19-O-01, Evidence and Property Management, Effective: 11-15-05; Reviewed: 01-02-19 (14 pages)

EPD OG Number: 15-O-15, Mental Illness and Commitment Papers, Effective:

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08-29-05; Reviewed 09-17-15 (7 pages)
EPD OG Number: 15-O-15,Use of Discretion, Effective 11-01-98; Reviewed:07-12-13 (3 pages)
EDP – FOP Contract, 1/1/19 – 12/31/21 (44 pages)
EPD Media Release (1 page)
EPD Press Conference recording (13:52)
EPD Press Conference Recording (5:23)
EPD Press Conference recording (2:43)
Recording of news media coverage of Snukis' death (1:17)
Recording of news media coverage of Snukis' death (2:37)\
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- 13. Transcript of deposition of Matthew Taylor taken on February 21, 2022, and exhibits;
- 14. Transcript of deposition of Nicholas Alan Hackworth taken on April 18, 2022, and exhibits;
- 15. Transcript of deposition of Scott Doan, 30(b)(6), taken on August 16, 2022 (Vol I), and exhibits;
- 16. Transcript of deposition of Scott Doan 30(b)(6), taken on August 17, 2022 (Vol II), and exhibits;
 - 17. Transcript of deposition Trevor Koontz taken August 18, 2022, and exhibits;
- 18. Transcript of deposition of Edward C. Snukis, Jr. taken on December 5, 2022, and exhibits;
- 19. Transcript of deposition of Samantha Snukis taken on January 16, 2023, and exhibits;
- 20. Transcript of deposition of Matthew C. Sophy, DO taken on January 20, 2023, and exhibits;
- 21. Transcript of deposition of Christopher J. Kiefer, M.D. taken on April 7, 2023, and exhibits;

- 22. Transcript of deposition of Josey Lewis, 30(b)(6) taken August 22, 2023, including Exhibits 1 through 5 referred to in the transcript;
- 23. Transcript of deposition of Paul Kirby, 30(b)(6) taken August 15, 2023 (198 pages), including the following exhibits: Exhibit 1(Notice of FRCP 30(b)(6) Deposition of City of Evansville); Exhibit 2 (EPD Subpoena 9-17-20); Exhibit 3 (Properties of 10-8-20 Folder); Exhibit 4 (Properties of 4-12-21 Folder); Exhibit 5 (Contents of 10-8-20 Folder); Exhibit 6 (Contents of 4-12-21 Folder); Exhibit 7 (Four Seasons File); Exhibit 8 (FOP Contract 2019-2021); Exhibit 9 (Screenshot of Requests 1-13); Exhibit 10 (City's Responses to Second Set of Requests for Production); Exhibit 11 (Citizen's Complaint Form); Exhibit 12 (Chavon Farmer Page #1); Exhibit 13 (Tavion Ford Handwritten Complaint Letter); Exhibit 14 (INF #19-0004 Tavion Ford); Exhibit 15 (Outlaw Scanned Complaint Form); Exhibit 16 (Memo); Exhibit 17 (Memo); Exhibit 18 (Plaintiffs' First Set of Requests for Production);
- 24. Evansville Police Department Event Report (CAD Report), dated September 13, 2019 (4 pages);
- 25. Autopsy/Toxicology Report prepared by James M. Jacobi, M.D., dated November 22, 2019 (16 pages);
- 26. Evansville Police Department Operational Guideline 359.00 "Use of Force," Effective May 19, 2006, and Reviewed March 6, 2019 (20 pages);
- 27. Evansville Police Department Operational Guideline 359.01 "Officer Involved Shooting and Use of Letal Force Investigations," Effective February 8, 2019, and Reviewed 03-06-19; (8 pages);
- 28. Plaintiffs' Answers to Defendant City of Evansville's First Set of Interrogatories dated February 15, 2022 (30 pages);

- 29. Plaintiffs' Answers to Defendant Matthew O. Taylor's First Set of Interrogatories dated February 15, 2022 (20 pages);
- 30. Plaintiffs' Answers to Defendant Nicholas Hackworth's First Set of Interrogatories dated February 15, 2022 (14 pages);
- 31. Plaintiffs' Answers to Defendant Trevor Koontz' First Set of Interrogatories dated February 15, 2022 (19 pages);
- 32. Defendant City of Evansville, Indiana's Answers to Plaintiffs' First Set of Interrogatories dated December 5, 2022 (10 pages);
- 33. Defendant Matthew O. Taylor's Answers to Plaintiffs' First Set of Interrogatories dated March 14, 2023 (9 pages);
- 34. Defendant Trevor Koontz's Answers to Plaintiffs' First Set of Interrogatories dated March 14, 2023 (9 pages);
- 35. Defendant City of Evansville, Indiana's Answers to Plaintiffs' Second Set of Interrogatories dated April 24, 2023 (3 pages);
- 36. Defendant Matthew O. Taylor's Answers to Plaintiffs' Second Set of Interrogatories dated April 13, 2023 (3 pages);
- 37. Defendant Trevor Koontz' Answers to Plaintiffs' Second Set of Interrogatories dated April 11, 2023 (4 pages);
- 38. Defendant City of Evansville, Indiana's Responses to Plaintiffs' first Set of Requests for Admissions dated December 5, 2022;
- 39. Defendant Trevor Koontz's Responses to Plaintiff's First Set of Requests for Admissions dated March 15, 2023;

- 40. Defendant Matthew Taylor's Responses to Plaintiff's First Set of Requests for Admissions dated March 15, 2023;
 - 41. Evansville Police Department Operations Manual Alphabetical Index (55 pages);
- 42. Plaintiffs' Complaint and Demand for Jury Trial (originally filed at Dkt. No. 1), dated September 1, 2021 (21 pages);
- 43. Defendants' Statement of Defenses (originally filed at Dkt No. 93) dated April 28, 2023;
- 44. Plaintiffs' Statement of Claims (originally filed at Dkt No. 94) dated April 28, 2023;
 - 45. Video from Officer Matthew O. Taylor;
 - 46. Video from Officer Trevor Koontz;
 - 47. Video from Officer Nicholas Hackworth
- 48. Plaintiffs' documents and ESI that support Plaintiffs' claims and defenses to claims made by Defendants against Plaintiffs;
- 49. Defendants' documents and ESI that support Plaintiffs' claims and defenses to claims made by Defendants against Plaintiffs;
 - 50. All documents produced in discovery in this matter;
 - 51. Such other documents as discovery and/or investigation may reveal;
- 52. Any document or other thing listed as an exhibit by or on behalf of any other party to this action;
- 53. Any pleading, motion, order, written discovery request and response, or other document filed of record or exchanged in this cause;
 - 54. All depositions taken in this matter;

- 55. Any and all exhibits to or documents referenced in the depositions taken in this matter;
- 56. Any document, diagram, photograph, or other tangible thing pertaining to this lawsuit and previously identified or produced by or on behalf of any other party.
- 57. Any and all documents necessary to establish the admissibility of documents or testimony;
- 58. Any and all documents necessary to show credentials, certifications or classifications related to employment, education or experience;
- 59. Such other documents to be identified later as discovery and investigation of this matter are still ongoing;
- 60. Evansville Police Department Operational Guideline 114 "Use of Discretion," Effective November 1, 1998, and Reviewed July 12, 2013 (3 pages);
- 61. Evansville Police Department Operational Guideline 119.00 "Accepting and Delivering Emergency Messages," Effective September 1, 2002, and Reviewed July 31, 2012 (3 pages);
- 62. Evansville Police Department Operational Guideline 153.00 "Handling,
 Transporting and Booking Prisoners," Effective August 1, 2005, and Reviewed August 6, 2012
 (7 pages);
- 63. Evansville Police Department Operational Guideline 226.00 "Vehicles Used to Transport Prisoners," Effective October 11, 2000, and Reviewed August 31, 2012 (2 pages);
- 64. Evansville Police Department Operational Guideline 139.00 "Preliminary Investigations," Effective August 13, 1999, and Reviewed August 2, 2012 (3 pages);
 - 65. Evansville Police Department Operational Guideline 421.00 "Investigative

- Procedures," Effective September 1, 1999, and Reviewed March 10, 2011 (2 pages);
- 66. Evansville Police Department Operational Guideline 145.03 "Requesting Assistance from an Adult Investigator," Effective February 2, 2002, and Reviewed August 3, 2012 (2 pages);
- 67. Evansville Police Department Operational Guideline 140.00 "Follow-up Investigations," Effective August 13, 1999, and Reviewed August 2, 2012 (3 pages);
- 68. Evansville Police Department Operational Guideline 172.00 "Handling the Street Drunk," Effective September 14, 2000, and Reviewed August 8, 2012 (2 pages);
- 69. Evansville Police Department Operational Guideline 180.00 "Supervisory Review of Reports," Effective October 4, 2002, and Reviewed August 8, 2012 (2 pages);
- 70. Evansville Police Department Operational Guideline 403.00 "Completing the Supervisor Report of Property Damage, Accident and Bodily," Effective November 1, 2000, and Reviewed September 5, 2012 (2 pages);
- 71. Evansville Police Department Operational Guideline 184.00 "Mental Illness and Commitment Papers," Effective August 29, 2005, and Reviewed September 17, 2015 (7 pages);
- 72. Evansville Police Department Operational Guideline 359.00 "Use of Force," Effective May 19, 2006, and Reviewed March 6, 2019 (20 pages);
- 73. Evansville Police Department Operational Guideline 359.01 "Officer Involved Shooting and Use of Lethal Force Investigations," Effective February 8, 2019, and Reviewed 03-06-19 (8 pages);
- 74. Evansville Police Department Operational Guideline 500.00 "Initial Case Reports/Misdemeanor Offenses," Effective April 14, 2005, and Reviewed October 31, 2019 (3 pages);

- 75. Evansville Police Department Operational Guideline 501.00 "Initial Case, Supplementary, and Incidental Reports," Effective May 21, 2002, and Reviewed April 19, 2017 (5 pages);
- 76. Evansville Police Department Operational Guideline 494.00 "Reports," Effective December 1, 1998, and Reviewed April 12, 2019 (4 pages);
 - 77. Any exhibit identified on Plaintiffs' Exhibit List;
 - 78. Any document relating to any criminal history of Plaintiff;
 - 79. Any document or thing identified on either party's Initial Disclosures;
 - 80. Any document or thing exchanged during the course of discovery;
 - 81. Any document or thing necessary for rebuttal or impeachment purposes;
- 82. Any document or thing necessary for the admission or the exclusion of another exhibit; and
 - 83. Any document or thing yet to be discovered throughout the course of discovery.

Plaintiffs do not hereby stipulate to the authenticity or admissibility of any of the foregoing items. Because trial preparation is ongoing, Plaintiff reserves the right to deviate from the foregoing list of documents and to introduce documents into evidence not listed above discovered during the course of this litigation and for the purpose of impeachment, rebuttal or surrebuttal.

Respectfully submitted,

/s/Mark E. Miller

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Rick A. Cory, #4196-82 DANKS & DANKS 1 SE 9th Street, Suite 101 Evansville, IN 47708 (812) 426-1000 Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on November 27, 2023, service of a true and complete copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/Mark E. Miller
Mark E. Miller